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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,171

06/27/2003

Shigehiko Haseba

116374

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04/15/2008

OLIFF & BERRIDGE, PLC

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ALEXANDRIA, VA 22320-4850

EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT

PAPER NUMBER

2852

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,171	Applicant(s) HASEBA ET AL.	
	Examiner Quana M. Grainger	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-13 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-27-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6-27-2003 was considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomono et al. (6,358,432) in view of Ozawa et al (2003/0155548A1).

The magnetic core 2 provided so as to be related to at least a part of a magnetic filed generation means 4 or 5 by Tomono et al. teaches a base material having dispersed magnetic material (column 2, lines 33-58). The magnetic particle is at least one of iron powder, ferrite powder, and magnetite powder (column 2, lines 46-51). The magnetic core 2 is related to at least

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part of the magnetic field generation means 4 or 5. Tomono et al. does not teach that the base material being solidified hydraulic composition.

Ozawa teaches magnetic particles arranged in a base material under a dispersed state, the base material being solidified hydraulic composition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Ozawa et al. with the device of Tomono et al. to obtain a magnet that exhibits considerably excellent corrosion resistance, heat resistance and high strength (Ozawa et al. [0011]).

The examiner takes official notice that it is known in the art to use a transformer obtained by winding at least two coils at different positions of one magnetic core (see citation below). The examiner takes official notice that an electrophotographic apparatus comprising an image formation device that forms an unfixed toner image on a surface of a record medium by using electrophotography; and a fusing member having a fixing rotation body and a pressurizing rotation body disposed to press against the fixing rotation body to define a nip part therebetween, fixing the unfixed toner image on the surface of the record medium by inserting the record medium into the nip part so that the surface on which the unfixed toner image is formed contacts with the fixing rotation body, wherein a conductive layer is formed in the proximity of a circumferential surface of one of the fixing rotation body and the pressurizing rotation body; wherein a magnetic field generation member is placed close to one of the fixing rotation body and the pressurizing rotation body to which the conductive layer is formed; and wherein the magnetic field generation member has the magnetic core is known in the art (see cited reference Sakagami, JP2002-72722a).

The examiner also takes official notice that an electrophotographic apparatus whereby a conductive layer is formed in the proximity of the circumferential surface of the image bearing rotation body; wherein a magnetic field generation member is disposed close to the image bearing rotation body in the nip part and upstream thereof of the image bearing rotation body; and wherein the magnetic field generation member has the magnetic core is known in the art (see Maeyama; JP2000-242108a). Finally, the examiner takes official notice that a magnetic field generated by a magnetic field generation member may be made to act on a heating member having a conductive layer, whereby the heating member is heated by the electromagnetic induction action is known in the art (see related art statement specification [0012]).

5. Claims 12-13 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narumiya et al. (JP1-86504A) in view of Ozawa et al.

The magnetic shield by Narumiya et al. teaches dispersing magnetic particles in a base material (abstract). Narumiya et al. does not teach a hydraulic composition.

Ozawa teaches magnetic particles arranged in a base material under a dispersed state, the base material being solidified hydraulic composition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Ozawa et al. with the device of Narumiya et al. to obtain a magnet that exhibits considerably excellent corrosion resistance, heat resistance and high strength (Ozawa et al. [0011]).

The examiner takes official notice that it is known in the art to use a transformer obtained by winding at least two coils at different positions of one magnetic core (see citation below).

The examiner takes official notice that an electrophotographic apparatus comprising an image formation device that forms an unfixed toner image on a surface of a record medium by using electrophotography; and a fusing member having a fixing rotation body and a pressurizing rotation body disposed to press against the fixing rotation body to define a nip part therebetween, fixing the unfixed toner image on the surface of the record medium by inserting the record medium into the nip part so that the surface on which the unfixed toner image is formed contacts with the fixing rotation body, wherein a conductive layer is formed in the proximity of a circumferential surface of one of the fixing rotation body and the pressurizing rotation body; wherein a magnetic field generation member is placed close to one of the fixing rotation body and the pressurizing rotation body to which the conductive layer is formed; and wherein the magnetic field generation member has the magnetic core is known in the art (see cited reference Sakagami, JP2002-72722a).

The examiner also takes official notice that an electrophotographic apparatus comprising: an image bearing rotation body; an image formation device that forms an unfixed toner image on a circumferential surface of the image bearing rotation body by using electrophotography; and a pressurizing member disposed to face the image bearing rotation body to define a nip part therebetween, in which a record medium is inserted into the nip part, whereby the unfixed toner image is transferred and fixed onto a surface of the record medium by application of heat and pressure, whereby a conductive layer is formed in the proximity of the circumferential surface of the image bearing rotation body; wherein a magnetic field generation member is disposed close to the image bearing rotation body in the nip part and upstream thereof of the image bearing rotation body; and wherein the magnetic field generation member has the

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magnetic core is known in the art (see Maeyama; JP2000-242108a). Finally, the examiner takes official notice that a magnetic field generated by a magnetic field generation member may be made to act on a heating member having a conductive layer, whereby the heating member is heated by the electromagnetic induction action is known in the art (see related art statement specification [0012]).

Response to Arguments

6. Applicant's arguments filed 12-27-2007 have been fully considered but they are not persuasive. A new complete copy of the IDS filed 6-27-2003 is attached. A translation of Narumiya is being processed and will be sent to applicant as soon as available. Nevertheless, only the abstract is depended upon for teaching dispersing magnetic particles in a base material.

Applicant argues that regarding independent claim 1, the office Action acknowledges that Tomono fails to disclose (1) the base material being a solidified hydraulic composition (2) the magnetic particles having a coercive force of no more than 50 Oersteds. The office Action alleges that Ozawa cures Tomono's deficiency of feature (1) above. Ozawa discloses a hydraulic composition for binding magnetic particles to produce a magnet that exhibits excellent corrosion and heat resistance, and high strength (paragraph [0011]). The permanent magnet is formed from magnetic powder, preferably a rare earth element-hard magnetic powder, in a hydraulic composition that is cured (paragraph [0012]). The hydraulic composition is cured by letting the product stand at room temperature until matured (paragraph [0050]). The permanent magnet of Ozawa, however, has a magnetic force that is extremely strong, 7 kOe (kilo-Oersteds) or more (paragraph [0055]).

However, Ozawa is not used in the rejection to teach a magnetic force of any strength. Ozawa teaches a method for forming the magnetic core.

Applicant argues that even if the references are combined as proposed, the references fail to disclose "wherein the magnetic particle is at least one of iron powder, ferrite powder, and magnetite powder.

However, Tomono et al. teaches that magnetic particles are formed from ferrite powder. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The claims remain rejected.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quana M Grainger/
Primary Examiner, Art Unit 2852

QG